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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,006	12/09/2003	Yasuyuki Kamijo	46159	2736

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EXAMINER

KINNEY, ANNA L

ART UNIT PAPER NUMBER

1731

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/730,006

Applicant(s)

KAMIJO ET AL.

Examiner

Anna Kinney

Art Unit

1731

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-10 and 12-14.
Claim(s) withdrawn from consideration: _____.

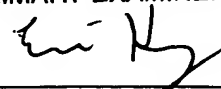
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

ERIC HUG
PRIMARY EXAMINER



Continuation of 11. does NOT place the application in condition for allowance because: Response received on 7/12/06 was considered. Rejection of claims 1 and 2 under 35 U.S.C. 103(a) as being unpatentable over Prusas is proper. Rejection of claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Prusas in view of Sabourin is proper. Rejection of claims 8-10 and 12-14 under 35 U.S.C. 103(a) as being unpatentable over Pete in view of Prusas is proper. Rejection of claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Prusas in view of Pete is proper. Rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Prusas and Sabourin in view of Pete is proper.

In response to remarks, the following is noted.

Prusas does not require destructuring or shredding of chips (Remarks, pg. 2); note the term "usually". Prusas recites treatment of chips in the Abstract. Claim 1 as written is open and does not exclude use of peroxide (Remarks, pg. 2). Prusas discloses the steps (Remarks, pg. 3) of defibration (col. 7, l. 1); refining (col. 7, l. 10); and bleaching (col. 7, l. 12), and clearly discloses primary and secondary refining (col. 7, l. 67 - col. 8, l. 1).

Sabourin was applied to show a compression ratio (Remarks, pg. 3) achieved by a screw press, which Prusas recites for compression (col. 7, l. 8-11). Prusas discloses compression both before and after impregnation. Sabourin discloses a 4:1 to 8:1 ratio (p. 3, col. 2, 0026, l. 22), and discloses that it is known to change features to control the ratio (col. 2, 0026, l. 21-27). Sabourin was not applied to show removal of chemical liquor or a chelating agent in the chemical liquor. Prusas discloses a chelating agent, as discussed in the previous Office Action.

Claim 8 as written does not require the washing step to be between primary and secondary refining (Remarks, pg. 4). Pete discloses mechanical pulp (Remarks, pg. 5; Pete, col. 1, ll. 1-3); primary refining produces mechanical pulp by defibration. Although Pete does not disclose a washing efficiency, Pete does disclose dewatering pulp after defibration from 5% consistency to 25% consistency on a Buchner funnel (i.e., a filter) before bleaching (col. 2, ll. 8-20). The Examiner's calculations suggest this would provide a washing efficiency of 84% or higher based on a Thickening Factor of 0.84 and a Displacement Ratio ranging from 0 to 1. See Smook, p. 95, as further evidence, for basis of calculation (G. A. Smook, Handbook for Pulp & Paper Technologists, TAPPI and Canadian Pulp & Paper Assoc., 1982). Note that Figure 9-21 on p. 99 does not show washing efficiencies below 64%. Applicants' tests (Remarks, pg. 5) are insufficient to show non-obviousness of washing efficiency since they only provide one point within the range, and therefore do not establish criticality.